

cont,  
A2

45. (New) The device according to claim 2, wherein a position of a deepest portion of the gate electrode is deeper than a position of a deepest portion of the source region and a position of a deepest portion of the drain region.--

### REMARKS

By the present amendment, Applicant has amended claim 20 to correct dependency and not for reasons of patentability, and added new claims 44 and 45 to protect additional aspects consistent with the present invention. Upon entry of this Amendment, claims 1-45 are pending.

In a telephone call to Applicant's representatives on February 6, 2002, the Examiner required election under 35 U.S.C. § 121 between Group I, claims 1-17 and 22-43; and Group II, claims 18-21. In an oral election on February 14, 2002, Applicants provisionally elected to prosecute, without traverse, Group I, claims 1-17 and 22-43, characterized by the Examiner as drawn to the semiconductor devices.

In an Office Action issued March 11, 2002, the Examiner requires further election under 35 U.S.C. § 121 between the following species: 1, Figs. 1-11B; 2, Figs. 12-13B; 3, Figs. 14A and 14B; 4, Figs. 15A and 15B; 5, Figs. 16A and 16B; 6, Figs. 17A-18B; 7, Figs. 19A and 19B; 8, Figs. 20-21C; 9, Figs. 22-23C; 10, Fig. 26; 11, Fig. 27; 12, Fig. 28; 13, Figs. 30-32; 14, Figs. 33-34C; 15, Figs. 35-36C; 16, Figs. 37-43B; 17, Figs. 44-47B; 18, Figs. 48-54; 19, Figs. 55A-C; 20, Fig. 56; 21, Fig. 57; 22, Figs. 58-59D; 23, Figs. 60 and 61; 24, Figs. 64-65C; 25, Fig. 66; 26, Fig. 67; and 27, Figs. 68-78C. In reply to the species election requirement, Applicant provisionally elects, without traverse, species 1, Figs. 1-11B.

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Claims 1, 2, 22, 23, and 35-43 are readable on the elected species.

Attached hereto is a marked-up version of the changes made to the claims by this Amendment. The attachment is captioned "Appendix to Amendment of April 11, 2002".

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: April 11, 2002

By: 

Bryan S. Latham  
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**Appendix to Amendment of April 11, 2002**

**IN THE CLAIMS:**

Please amend claim 20 as follows:

20. (Amended) The method according to claim [32] 19, wherein the convex semiconductor layer is formed with the epitaxial growth method.

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